

The Technology Committee is in charge of the Section's social media presence, including Facebook, Twitter, LinkedIn, and other popular platforms, as well as increasing members' awareness and knowledge about the uses, abuses, and current practices when using and accessing social media when representing, investigating, preparing, and presenting family law cases. The ABA Family Law Section is @ABAFamily. Members of the Committee prepared the following information to hand out to clients to increase their awareness about how social media might impact their cases:

ELECTRONIC COMMUNICATIONS ADVISORY*

Social Media has quickly become one of the most popular methods to express feelings and share information. Social Media can range from sites like Facebook, LinkedIn, and Twitter to phone apps like Instagram and Snapchat. Similarly, many conversations occur through logged text messages on a smart phone. In legal proceedings, social media and other forms of electronic communications can quickly increase the tension between parties. Any electronic communication, posts, emails, photos, or text messages could be requested through the discovery process, or even produced as exhibits at trial. We have listed below a set of guidelines to advise you as your matter progresses:

1. Do not discuss your case with others through any medium. Email can be forwarded or printed, postings on Facebook are seen by the public, photos can be taken out of context, and texting on phones all are considered statements released to the public. Friends and family members have no obligation to keep your communications confidential, as do your attorneys and their staff.
2. Do not communicate with our staff on a device provided by your employer or shared with someone else.
3. Create a private email account and use a password for that account accessible only by you.
4. If someone else knows your passwords for private accounts, create new passwords.
5. Do not comment on blogs or public forums about your case or your feelings towards others.
6. Examine the privacy settings on your electronic accounts. Be sure you know what content is public and what content is private. Keep in mind that no electronic or written content is truly ever private.
7. Do not access social media accounts, phones, email accounts, or electronic devices that don't belong to you. Do not send messages from an account that doesn't belong to you or pretending to be another person. Doing so could be a federal crime.
8. Do not ask friends or family to "friend" adverse parties so that they can obtain information about that person.
9. If you receive concerning electronic communications from an adverse party, document the information and talk with us about it.
10. If you have children, make sure you know the accounts and devices they can access. Don't forget that accounts may be accessible on an old device given to your child.
11. Think before you post; think before you click "send."
12. When in doubt, ask us before communicating through any medium.

In today's world of technology and rapid-responses, social media can cause more problems than necessary. These guidelines, rooted in common sense, can help guide you away from bad situations. If you have any questions about the proper use of social media, please talk with your attorney.

